

# Exhibit H

Comm-6

At Part Comm-6 of the Supreme Court  
held in the County of Kings, at the  
Supreme Courthouse thereof, on the  
26 day of Jan,  
2022,

PRESENT: Kings  
JUSTICE OF THE SUPREME COURT

PS FUNDING, INC.,

X Index No.: 503623/2021

Plaintiff(s),

**ORDER OF REFERENCE AND**  
**DEFAULT JUDGMENT**

v.

1567 56 NY LLC; ARUTHER SPITZER; NEW  
YORK CITY – DEPARTMENT OF FINANCE  
JANE/JOHN DOE Nos. 1-12

**Mortgaged Property:**  
1567 56<sup>th</sup> Street  
Brooklyn, NY 11219

Defendant(s),

X

UPON the Summons, Complaint, and Notice of Pendency filed in this action on the 15<sup>th</sup> day of February, 2021, the Notice of Motion dated October 6, 2021, the affirmation of Matthew Burrows, Esq., and the exhibits annexed thereto, the affidavit of merit and amount due by Brett Peiffer who is a Director of Asset Management of PS Funding, Inc., duly sworn to on August 26, 2021, together with the exhibits attached thereto, and all prior papers filed in this action and prior proceedings had herein; and

UPON proof that each of the defendants herein has been duly served with the Summons and Complaint in this action and required notices; and

AND it appearing that 1567 56 NY LLC; Arthur Spitzer; New York City – Department of Finance's time to answer the complaint has expired; and

AND it appearing to the satisfaction of this court that this action was brought to foreclose a mortgage on real property located 1567 56<sup>th</sup> Street, Brooklyn, NY 11219, in the County of

Kings, State of New York, Block 5488, Lot 50.

NOW, on motion by Chartwell Law, attorney for the Plaintiff, it is hereby

ORDERED that defendants 1567 56 NY LLC; Arthur Spitzer and New York City –

Department of Finance, are determined to be in default; and it is further

ORDERED that Anthony Lambert with an address of 900 So. Ave. Ste 401 S1 NY 10314, is hereby appointed Referee, in accordance with RPAPL §1321, to compute the amount due to Plaintiff and to examine whether the mortgaged property may be sold in parcels; and it is further

ORDERED that the Referee make his/her computation and report with all convenient speed; and it is further

ORDERED that, if necessary, the Referee may take testimony pursuant to RPAPL §1321; and it is further

ORDERED that by accepting this appointment the Referee certifies that he/she is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36), including, but not limited to §36.2 (c) ("Disqualifications from appointment"), and §36.2 (d) ("Limitations on appointments based upon compensation"), and, if the Referee is disqualified from receiving an appointment pursuant to the provisions of that Rule, the Referee shall immediately notify the Appointing Judge; and it is further

ORDERED that, pursuant to CPLR 8003(a), the statutory fee of \$350.00, and in the discretion of the court, a fee of \$\_\_\_\_\_, shall be paid to the Referee for the computation of the amount due and upon the filing of his/her report and the Referee shall not request or accept additional compensation for the computation unless it has been fixed by the court in accordance with CPLR 8003(a); and it is further

ORDERED that the Referee is prohibited from accepting or retaining any funds for him/herself or paying funds to him/herself without compliance with Part 36 of the Rules of the Chief Administrative Judge; and it is further

ORDERED that the defendants in the caption of this action and that the remaining defendants captioned as "John Doe" and "Jane Doe" be removed as a party defendant in this action as no occupants reside at the property and the caption of this action be amended to reflect the removal of "John Doe" as a party defendant; and it is further

ORDERED that the caption shall read as follows:

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

-----X  
PS FUNDING, INC.,

Plaintiff,

INDEX NO: 503623/2021

v.

1567 56 NY LLC; ARUTHER SPITZER NEW  
YORK CITY – DEPARTMENT OF FINANCE.

Defendants.

-----X

And it is further

ORDERED that Plaintiff shall serve a copy of this Order with notice of entry on all parties and persons entitled to notice, including the Referee appointed herein.

This constitutes the decision and order of the court.

DATED:

1/28/22

ENTER:

J.S.C.

HON. LAWRENCE KNIPEL  
ADMINISTRATIVE JUDGE